

22 29. (new) The combination according to claim *15* wherein the crown has an inverted cup shape.

23 30. (new) The combination according to claim *19* wherein the crown has an inverted cup shape.

R E M A R K S

Initially, the applicant requests that the finality of this Action be withdrawn. In the previous Office Action, claim 15 was objected to. The applicant rewrote claim 15 in independent form so as to make it allowable. In this Action, the Examiner rejects claim 15 under 35 USC §102. The new ground of rejection was not necessitated by any action on the applicant's part.

Claims 1-23 are currently pending in the application. New claims 25-30 are presented for consideration. Claims 4, 6-8, and 24 have been allowed. Claim 23 stands objected to as depending upon a rejected base claim. Claim 23 has been rewritten in independent form so as to be allowable.

Claims 1, 3, 5, and 9-22 stand rejected under 35 USC §102 as allegedly anticipated by U.S. Patent No. 5,903,921 (Dow). Claims 1 and 2 stand rejected under 35 USC §102 as allegedly anticipated by U.S. Patent No. 5,991,927 (Barbaccia).

Claim 10 stands objected to because of an alleged informality on line 2. The language of claim 10 is clear and it is not understood why the Examiner is proposing the change. Reconsideration of the objection to claim 10 is requested.

Reconsideration of the rejection of claims 1-3, 5 and 9-22 and consideration of new claims 25-30 are requested.

It is respectfully submitted that the Examiner is mistaken in asserting that any of the rejected claims are anticipated by either Dow or Barbaccia. Claim 1 and its dependent claims characterize the visor as having a first width dimension taken transversely to a fore and aft line. In a relaxed state, the visor has a first width dimension and in the deformed state, the visor has a second width dimension that is less than the first width dimension. The at least one holding element is fully separable from the headwear piece and maintains the visor in the deformed state in which the visor has the second width dimension.

It is noted that Dow has two different embodiments of her invention. In Fig. 2B, one form of headwear piece is rolled into a storage state and maintained in that state using the separate ends of the headband, as described in column 3, lines 48-55. In this embodiment, the headwear piece is rolled around a fore-and-aft axis. In the embodiment shown in Fig. 8C, the headwear piece is rolled around a laterally extending axis and maintained in that state by a separate, removable tie 56, as described in column 4, lines 63-67.

Dow does not teach or suggest a headwear piece that is folded around a fore-and-aft axis and maintained in a storage state by a separate holding element. The two embodiments in Dow are different and it is inappropriate to combine the teachings to conclude that there is anticipation of applicant's claim 1. Folding in the manner shown in Fig. 2B permits the straps to substitute for the separate holding element. On the other

hand, as shown in Fig. 8C, the straps are confined and thus a separate folding element is required.

Claim 1 also characterizes a part of the crown as folded forwardly towards the visor. Barbaccia does not teach or suggest the folding of a part of the crown forwardly toward the visor as claimed.

In conclusion, claim 1, and its dependent claims 2, 3, 5, 9-14 are not anticipated by either Dow or Barbaccia.

Claim 15 recites that the crown is folded against the visor which, in the deformed state, defines a cylindrical shape around a fore-and-aft axis, with at least part of the crown that is folded against the visor residing within the cylindrical space.

Dow does not teach or suggest any part of the crown being folded against a visor to reside within a cylindrical shape defined by the visor. In Fig. 2B, the visor is in a cylindrical shape about a fore-and-aft axis. However, no part of the crown resides within the shape. In Fig. 8C of Dow, the headwear piece is wrapped about a laterally extending axis, rather than the claimed fore-and-aft axis.

Claim 19 also requires a visor to be formed into a cylindrical shape around a fore-and-aft line to realize the deformed state. Claim 19 also recites the separable holding element.

New claims 25-27 depend from claims 15 and 19 and characterize the crown as having a continuous shape that extends around a wearer's head with the headwear piece worn by a wearer. This more clearly distinguishes over the Fig. 2A version of Dow's headwear piece.

Claim 28-30 depend from claims 1, 15 and 19 and characterize the crown as having an inverted cup shape. This likewise distinguishes more clearly over Dow's Fig. 2A embodiment.

Reconsideration of the rejection of claims 1-3, 5, and 9-22, consideration of new claims 25-30, and allowance of the case are requested.

Respectfully submitted,



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MARKED UP VERSION OF AMENDMENTS

IN THE CLAIMS:

Please amend claim 15 as follows:

15. In combination:

a) a headwear piece having a front and rear and comprising a crown having a surface which is grippingly engageable with a wearer's head and a visor projecting in a forward direction away from the crown,

wherein the visor has a relaxed state wherein the visor has a first width dimension taken transversely to a fore-and-aft line and a deformed state,

wherein the visor in the deformed state has a second width dimension that is less than the first width dimension; and

b) at least one holding element,

the at least one holding element maintaining the visor in the deformed state so that the visor has the second width dimension,

wherein the crown is folded against the visor,

wherein the visor in the deformed states defines a cylindrical shape and at least a part of the crown that is folded against the visor resides within the cylindrical shape.

Please rewrite claim 23 in independent form as follows:

23. (rewritten) [The] In combination [according to claim 19]:

a) a headwear piece comprising a crown with a surface which is grippingly engageable with a wearer's head and a visor projecting from the crown.

wherein the visor has a deformed state in which the visor is formed into a cylindrical shape around a fore-and-aft line; and

b) at least one holding element that is fully separable from the headwear piece, the at least one holding element maintaining the visor in the deformed state.

wherein the at least one holding element comprises a tubular body which extends around the headwear piece.

Please add new claims 25-30 as follows:

25. (new) The combination according to claim 1 wherein the crown has a continuous shape that extends around a wearer's head with the headwear piece worn by a wearer.

26. (new) The combination according to claim 15 wherein the crown has a continuous shape that extends around a wearer's head with the headwear piece worn by a wearer.

27. (new) The combination according to claim 19 wherein the crown has a continuous shape that extends around a wearer's head with the headwear piece worn by a wearer.

28. (new) The combination according to claim 1 wherein the crown has an inverted cup shape.

29. (new) The combination according to claim 15 wherein the crown has an inverted cup shape.

30. (new) The combination according to claim 19 wherein the crown has an inverted cup shape.